

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

| | | |
|---------------------------|---|-------------------------------------|
| PEGGY L. SHAZIER, |) | |
| Plaintiff, |) | Civil Action No. 1:08cv00037 |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| SOUTHWEST VIRGINIA |) | |
| REGIONAL JAIL |) | |
| AUTHORITY, et al., |) | By: GLEN M. WILLIAMS |
| Defendants. |) | SENIOR UNITED STATES DISTRICT JUDGE |

This case is currently before the court on the defendants' Motion To Dismiss, (Docket Item No. 4). The case was referred, pursuant to 28 U.S.C. § 636(b)(1)(B), to the Honorable Pamela Meade Sargent, United States Magistrate Judge. On February 17, 2009, the Magistrate Judge entered a report and recommendation, (Docket Item No. 20), ("the Report"), recommending that the Motion To Dismiss be granted in part and denied in part and recommending that summary judgment be awarded on one count of the plaintiff's Complaint. Objections to the Report were due by March 6, 2009; however, no objections were filed. Accordingly, the Magistrate Judge's Report shall be **ACCEPTED**.

In particular, the defendants' Motion To Dismiss is hereby **GRANTED** as to the portion of Count I, as it relates to Title VII, as to all of the defendants except Southwest Virginia Regional Jail Authority, pursuant to Rule 12(b)(6). Additionally, the defendants' Motion To Dismiss is hereby **GRANTED** as to the portion of Count I, as it relates to 42 U.S.C. § 1981, as to all of the individual defendants except

defendant Major Matt Pilkenton, pursuant to Rule 12(b)(6). Furthermore, summary judgment is hereby **GRANTED** in favor of all defendants on Count II. Lastly, the defendants' Motion To Dismiss Count III is hereby **GRANTED** as to all of the defendants pursuant to Rule 12(b)(6). The Clerk is directed to enter this Order and send certified copies to all counsel of record.

ENTER: This 11th day of March 2009.

/s/ Glen M. Williams
SENIOR UNITED STATES DISTRICT JUDGE